TABLE OF CONTENTS
SH#2295002

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: November 29, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2295002
Incident:	Hit Shooting
Incident Date:	August 20, 2011
Unit:	East Los Angeles Station
Suspects:	Pablo Garcia, MH/19 [redacted] MH/16
Involved Employees:	Deputy [redacted] #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	November 29, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander David Fender, and Commander Buddy Goldman met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Department members may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Deputies were on routine patrol on Downey Road in East Los Angeles, when they saw two males (suspects) walking northbound on the sidewalk. When the deputies' presence became known to the suspects, they crouched behind a vehicle to conceal themselves. The deputies stopped their vehicle to investigate the suspicious activity.

The deputies gave verbal commands to both suspects to show their hands. Suspect [redacted] followed the commands and laid on the ground. The other suspect (Suspect Garcia) started to walk away, turned, and pointed a handgun at the deputies. Fearing for their safety, both deputies fired one round each at Suspect Garcia. Suspect Garcia fell to the ground still holding the handgun. He continued to ignore verbal commands to drop the weapon and attempted to stand. Believing Suspect Garcia was still assaulting them, one of the deputies fired one round causing Suspect Garcia to fall to the ground and become incapacitated.

The Committee determined the deadly force used to defend against the armed suspect was reasonable, necessary, and justified. The Committee also determined the tactics used by the deputies were within the Department's training standards.

RECOMMENDATIONS:

While the force and tactics were held within policy, the Committee recommended the unit commander, Captain James P. Wolak, conduct a tactical debriefing regarding the positioning of the patrol car and Deputy [redacted] failure to immediately notify his partner that the suspect was armed with a handgun. The tactical debriefing should also include the officer safety issue of approaching the suspect and kicking his handgun away.

Additionally, the Committee recommended that both deputies attend the eight hour Tactics and Survival Training, class 1, and the four hour Arrest and Control for Field Operations Training.

MJR:JER:jer



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

June 21, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 11-0548
L.A.S.D. File # 011-10585-0278-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 20, 2011, fatal shooting of Pablo Garcia by Los Angeles County Sheriff Deputies [redacted] and [redacted] It is our conclusion that Deputies [redacted] and [redacted] acted in lawful self-defense and defense of others.

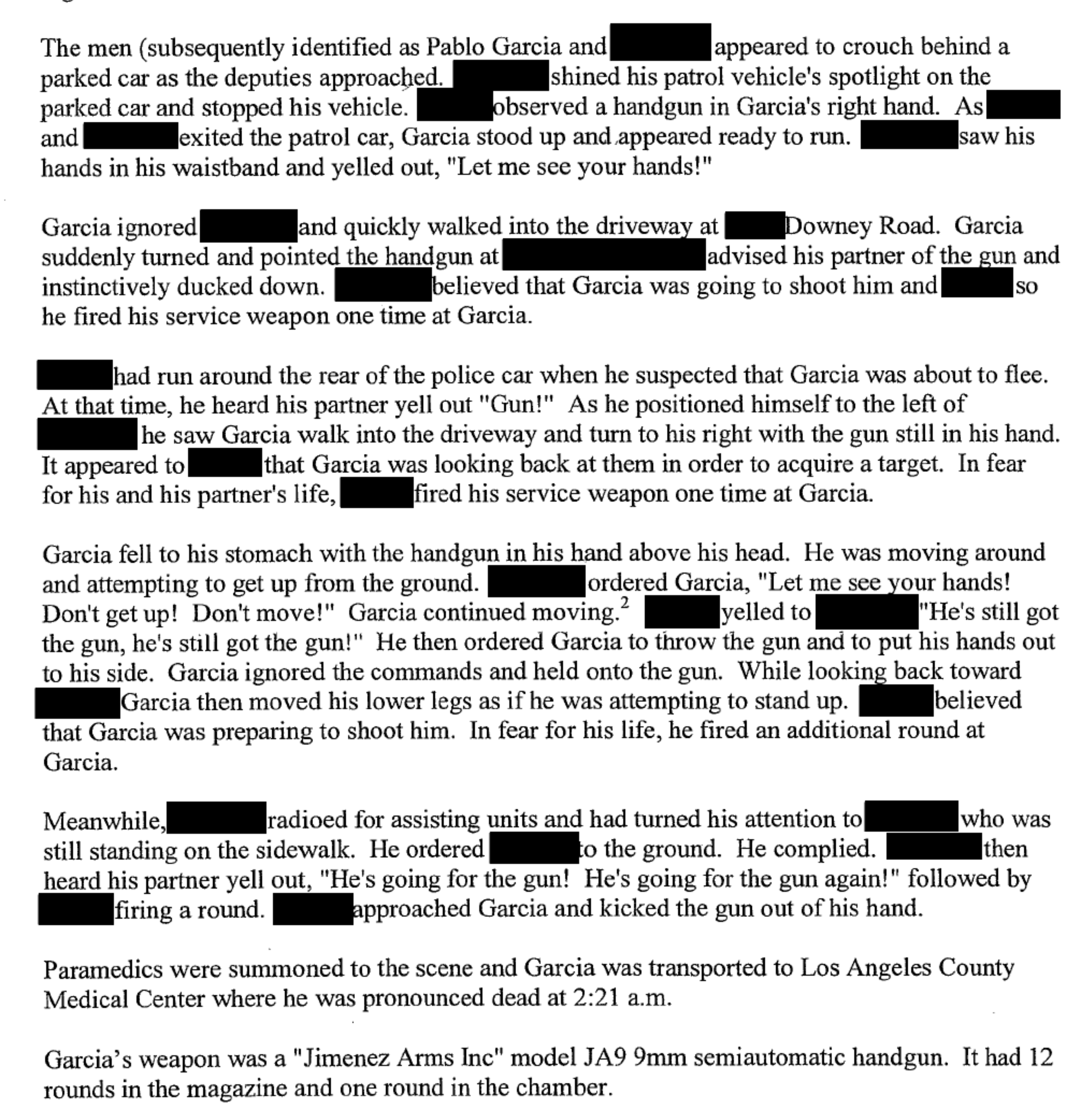
The District Attorney's Command Center was notified of the shooting on August 20, 2011, at approximately 10:00 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Escobar Delport and District Attorney Senior [redacted] responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Investigators Luis Nunez and Richard Tomlin, LASD, Homicide Bureau. Deputies [redacted] and [redacted] provided voluntary statements which were considered as part of this analysis.

FACTUAL ANALYSIS

On August 20, 2011, at approximately 8:13 p.m., Deputies [redacted] and [redacted] were on patrol traveling southbound on Downey Road north of Noakes Avenue. Deputy [redacted] was the passenger in a marked black and white patrol vehicle which was being driven by Deputy [redacted] The deputies saw two men walking northbound on the east sidewalk of Downey Road.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us



The men (subsequently identified as Pablo Garcia and [redacted] appeared to crouch behind a parked car as the deputies approached. [redacted] shined his patrol vehicle's spotlight on the parked car and stopped his vehicle. [redacted] observed a handgun in Garcia's right hand. As [redacted] and [redacted] exited the patrol car, Garcia stood up and appeared ready to run. [redacted] saw his hands in his waistband and yelled out, "Let me see your hands!"

Garcia ignored [redacted] and quickly walked into the driveway at [redacted] Downey Road. Garcia suddenly turned and pointed the handgun at [redacted] advised his partner of the gun and instinctively ducked down. [redacted] believed that Garcia was going to shoot him and [redacted] so he fired his service weapon one time at Garcia.

[redacted] had run around the rear of the police car when he suspected that Garcia was about to flee. At that time, he heard his partner yell out "Gun!" As he positioned himself to the left of [redacted] he saw Garcia walk into the driveway and turn to his right with the gun still in his hand. It appeared to [redacted] that Garcia was looking back at them in order to acquire a target. In fear for his and his partner's life, [redacted] fired his service weapon one time at Garcia.

Garcia fell to his stomach with the handgun in his hand above his head. He was moving around and attempting to get up from the ground. [redacted] ordered Garcia, "Let me see your hands! Don't get up! Don't move!" Garcia continued moving.[2] [redacted] yelled to [redacted] "He's still got the gun, he's still got the gun!" He then ordered Garcia to throw the gun and to put his hands out to his side. Garcia ignored the commands and held onto the gun. While looking back toward [redacted] Garcia then moved his lower legs as if he was attempting to stand up. [redacted] believed that Garcia was preparing to shoot him. In fear for his life, he fired an additional round at Garcia.

Meanwhile, [redacted] radioed for assisting units and had turned his attention to [redacted] who was still standing on the sidewalk. He ordered [redacted] to the ground. He complied. [redacted] then heard his partner yell out, "He's going for the gun! He's going for the gun again!" followed by [redacted] firing a round. [redacted] approached Garcia and kicked the gun out of his hand.

Paramedics were summoned to the scene and Garcia was transported to Los Angeles County Medical Center where he was pronounced dead at 2:21 a.m.

Garcia's weapon was a "Jimenez Arms Inc" model JA9 9mm semiautomatic handgun. It had 12 rounds in the magazine and one round in the chamber.

Los Angeles County Deputy Medical Examiner Ogbonna Chinwah, M.D., performed Garcia's autopsy on August 22, 2011. Garcia had a total of three gunshot wounds. He sustained a fatal gunshot wound to the left chest with a left to right and front to back trajectory. A second fatal gunshot entered the posterior outer side of the right thigh with a right to left and back to front

[1] [redacted] was 16 years-old.
[2] [redacted] believed that it was at this point that [redacted] first fired his service weapon.

trajectory. He also sustained a third, non-fatal wound to the left chest. The toxicology report revealed that Garcia's blood tested positive for the presence of cocaine.

On August 21, 2011, [redacted] was interviewed by investigators. He stated that he and Garcia were members of the King Kobra street gang. On the night of the shooting, they were walking north on Downey Road when a police car stopped next to them in the street. Two deputies quickly got out of the car and said something to them. While [redacted] remained standing on the sidewalk, Garcia ran into a nearby driveway. The deputies chased after Garcia. He saw at least one deputy extend his arm followed by two gunshots. Garcia fell to the ground. Both deputies ordered Garcia to stay on the ground several times. It was dark and he could only see Garcia's gray shirt. Four to five seconds later he heard a third shot. [redacted] denied knowing that Garcia was in possession of a gun that night.[3]

Numerous neighborhood residents were interviewed and reported hearing anywhere from one to four gunshots. None of the witnesses saw the shooting with the possible exception of 18 year-old [redacted] On November 2, 2011, [redacted] was interviewed by investigators. On the evening of August 20, 2011, she was at her [redacted] residence located on Downey Road. She was heading outside to check on her barking dogs when she heard two gunshots. Once outside she saw the silhouette of one person standing over another person on the ground lying on their stomach. She had a view of the left side of the person on the ground. The person standing yelled, "Don't move! Don't fucking move! Show me your hands!" and "Don't say anything. Don't give me a reason!" The person on the ground said, "I'm not moving officer" and "It hurts officer. I'm bleeding." Approximately one minute later she heard another gunshot.[4]

CONCLUSION

The use of deadly force in self-defense or in the defense of another is permitted if it reasonably appears that the person claiming the right of self-defense, or the defense of another, actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 C.A.3d 731.

In protecting himself or another, a person may use all force and means which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal (CALJIC) 5.30 and 5.32.

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[3] In a subsequent interview on November 1, 2011, [redacted] recalled that one of the deputies yelled, "Get down" or "Stop, stop right there" when they first exited the police car. He estimated that the deputies initially fired five times. He recalled that Garcia said, "You guys got me already, you got me already. I'm down, I'm down," once he was on the ground. He then heard two to three more shots. [redacted] was present during the second interview and said that her son would not have been able to see much because his vision is extremely poor.

[4] On the night of the shooting, [redacted] was contacted by a deputy canvassing the neighborhood for possible witnesses. At that time, she stated that she was in her bathroom and heard two quick shots followed by a single shot and did not see anything. When asked about her prior statement, [redacted] said that the deputy only asked her what she heard so she did not tell him what she had seen.

Deputies [redacted] and [redacted] attempted to contact Garcia and [redacted] due to their suspicious behavior. Rather than risk detention by the deputies, Garcia chose to run. While fleeing he pointed a loaded semiautomatic handgun at the deputies thereby threatening their lives. As a result, Deputies [redacted] and [redacted] responded with deadly force. Once on the ground, Garcia was ordered to stop moving and to relinquish his weapon. Instead of complying with their instructions, Garcia attempted to stand up with the weapon still in his hand while looking back at [redacted] In fear for his life, [redacted] responded a second time with deadly force.

The evidence examined in this investigation shows that the actions of Pablo Garcia placed Deputies [redacted] and [redacted] in actual, imminent danger of death or great bodily injury. The response of the deputies with deadly force was both reasonable and necessary.

We find that Deputies [redacted] and [redacted] acted in lawful self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Deborah Escobar Delport

DEBORAH ESCOBAR DELPORT
Deputy District Attorney
(213) 974-3888

c: Deputy [redacted] #[redacted]
Deputy [redacted] #[redacted]

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 08-20-11	Bureau/Station/Facility: FOR 1 / East Los Angeles Sheriff's Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 011-10585-0278-013	Date: 08-20-11 Time: 2030 Hours
City or Station: East Los Angeles	Nature of Incident: Deputies conducted a pedestrian stop of the two suspects. Suspect [redacted] complies with the Deputies orders. Suspect Garcia ignores the Deputies orders and continues walking . Deputies see Suspect Garcia reaching into his waistband and produces a handgun. Both Deputies fire one round each at the suspect. Suspect Garcia enters the driveway of the location and falls to the ground. The suspect still has the gun in his hand. Deputy [redacted] orders the suspect to put his hands out to his side. Suspect Garcia tries to get up. Deputy [redacted] fearing the suspect will shoot at them, fires one more round at the suspect. suspect Garcia is handcuffed.
Location: [redacted] South Downey Rd	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street (circled)
Other: ______________

Lighting (*circle only one*): Darkness (circled), Daylight, Other, Street Lights

Weather (*circle only one*): Clear (circled), Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, Armed Person (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: ______________

Initiated by (*circle only one*): Arrest Warrant, Call, Observation (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol (circled)

Total # of Shots Fired by Deputy: Three

Total # of Shots Fired by Suspect: None

Aero Unit? ☐ Canine Unit? ☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Addr[redacted] City [redacted] Zip C[redacted] Work Ph [redacted]

Last Name First Name M.I.
Street Address City Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address City Zip Code Work Ph Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Renfrow	Mark	L	On Duty (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Escobedo	Sergio	V

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Rothe	Frank	A

PSTD Use Only

SH # ______________

Officer Involved Shooting

URN: 011-10585-0278-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-20-11	2245	10-03-12	

Employee #	Last Name	First Name	M.I
[redacted]	Fredericks	Stefanie	
[redacted]	Graham	Scott	
[redacted]	Flores	Carlos	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	UC	ZZ	9			NN	NN
E1	S1	FH	HK	9	Y	Y	GS	CH
E2	S1	FH	HK	45	Y	Y	GS	CH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 011-10585-0278-013

Involved Employee

E 1

Employee # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Sex: [redacted] | Race: [redacted] | Rank: Deputy | Unit Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

ShiftTime (*circle only one*): [redacted] | ShiftType (*circle only one*): [redacted] | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: [redacted] | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (circled) Uniform w/ Vest | Other Factors:

Age: [redacted] | Height: [redacted] | Weight: [redacted]

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Beretta | Caliber 9MM | # Shots 1 | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

E 2

Employee # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Sex: [redacted] | Race: [redacted] | Rank: Deputy | Unit Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

ShiftTime (*circle only one*): [redacted] | ShiftType (*circle only one*): [redacted] | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: [redacted] | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (circled) Uniform w/ Vest | Other Factors:

Age: [redacted] | Height: [redacted] | Weight: [redacted]

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☒ | Number of Prior Shootings: 1 | Directed Force: [redacted]

Weapons Fired Brand: H&K | Caliber .45 | # Shots 2 | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 011-10585-0278-013

Suspect Information

S 1

Last Name Garcia		First Name Pablo	M.I.
AKA Last Name Wolfie		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phon[redacted]	Ho[redacted]	Social Security #:	Driver's License #:
Age: 19 D.O.B. 11-05-91	Height: 5-10 Weight: 240	FBI # [redacted]	CII # [redacted]
Booking # Deceased	Primary Charge: 664/187	Secondary Charge:	
Coroner Case? ☒	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT
SH# 2295002
URN 011-10585-0278-013

DATE / TIME / LOCATION

Saturday, August 20, 2011
2030 Hours
[redacted] South Downey Rd, East Los Angeles

Deputy [redacted] and his partner, Deputy [redacted] were traveling south on Downey Avenue when they saw two individuals walking north on the east sidewalk. As they drove closer, the individuals attempted to conceal themselves behind a parked vehicle. Recognizing this as suspicious behavior, the deputies stopped their patrol vehicle and contacted the suspects.

The deputies immediately began issuing commands for the suspects to show their hands. Suspect [redacted] complied with the deputies' commands and laid on the ground. Suspect Garcia continued walking north and then turned east into a driveway. Deputy [redacted] saw Suspect Garcia was armed with a handgun and communicated his observations to Deputy [redacted] Both deputies ordered the suspect to stop and show his hands. Suspect Garcia did not comply and concealed his hands from the deputies' view. At one point, the suspect stopped and turned toward the deputies, pointing the handgun at them. Both deputies, fearing for their safety, fired one round at Suspect Garcia.

The suspect fell to the ground still holding the handgun in his right hand. Deputy [redacted] repositioned himself and continued to order the suspect to drop the handgun. Suspect Garcia refused to comply and began to get up. Fearing the suspect was going to shoot at them, Deputy [redacted] fired one more round at the suspect striking him again. At this point, Suspect Garcia became incapacitated and Deputy [redacted] was able to kick the handgun away from his right hand.

Suspect Garcia sustained gunshot wounds to the chest and thigh. He was transported to Los Angeles County/USC Medical Center where he was pronounced dead. The incident was documented on a Sheriff's crime report, bearing File Number 011-10585-0278-013. The investigation was handled by Homicide Bureau Personnel.

Internal Affairs Bureau Lieutenant Stefanie Fredericks was notified. She along with Sergeants Scott Graham, and Carlos Flores responded to East Los Angeles Sheriff's Station, to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, and involved deputies.

IAB SHOOTING / FORCE TEAM

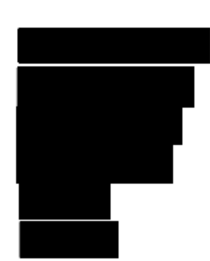
Lieutenant Stefanie Fredericks, Sergeant Scott Graham, and Sergeant Carlos Flores.

INVOLVED PERSONNEL

[redacted] Deputy #[redacted] [redacted]/[redacted] [redacted] [redacted] [redacted]
Patrol - [redacted]

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date of Range Qualification [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] Deputy #[redacted] [redacted]/[redacted] [redacted] [redacted] [redacted]
Patrol - [redacted]



Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date of Range Qualification [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

Garcia, Pablo MH/ 19 5'-10" 240 Lbs.

The Consolidated Criminal History System reveals Suspect Garcia has been [redacted]

Offenses include: [redacted]

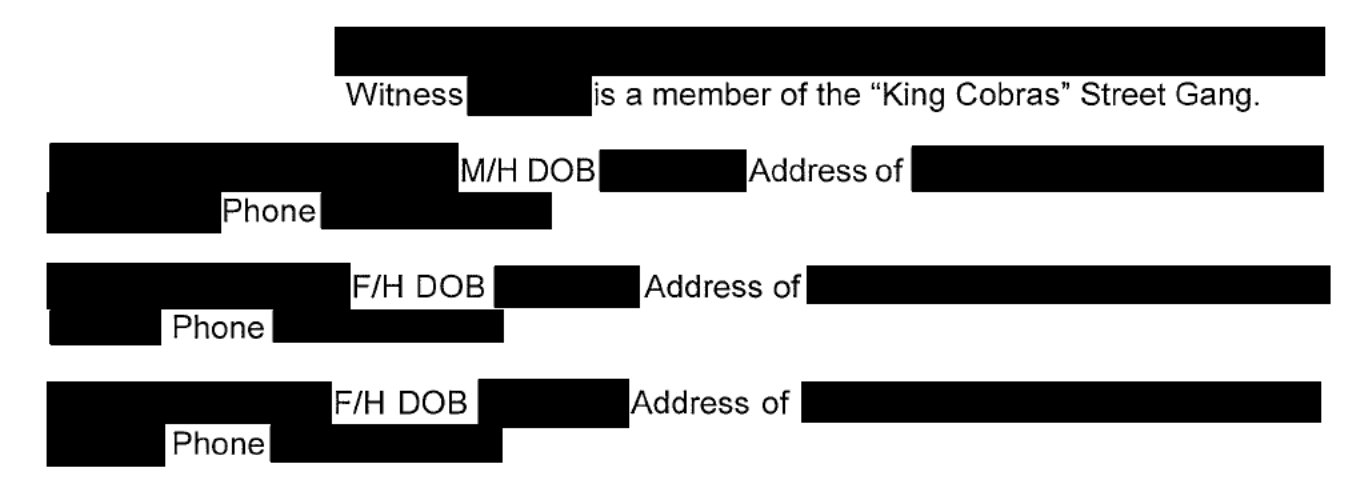
Suspect Garcia was a member of the "King Cobras" Street Gang.

IAB NOTE: Suspect Garcia's Criminal History Report is included in this case book. See **Exhibit A, pages 71-79**. A photograph of Suspect Garcia is also included. **See Exhibit A, page 71**.

NON-EMPLOYEE WITNESSES

[redacted] MH/16 5-03 150 DOB [redacted] Address of [redacted] Phone [redacted]

IAB NOTE: The Consolidated Criminal History System reveals Subject [redacted] has been [redacted] Offenses include:


[redacted]
Witness [redacted] is a member of the "King Cobras" Street Gang.

[redacted] M/H DOB [redacted] Address of [redacted] Phone [redacted]

[redacted] F/H DOB [redacted] Address of [redacted] Phone [redacted]

[redacted] F/H DOB [redacted] Address of [redacted] Phone [redacted]

IAB NOTE: The residential neighborhood near the shooting scene, on Downey Road, was canvassed for any potential witnesses. The area was canvassed by deputies from East Los Angeles station. Several of the residents stated they heard noises, but none actually witnessed the shooting, or had any knowledge of the circumstances surrounding the incident. The names of the residents contacted, and a summary of their interviews, are documented on Supplemental Reports which are included in this case book. **See Exhibit A, pages 19-31, and 37-39.**

INJURIES

Suspect Garcia:

Sustained gunshot wounds to his chest and thigh. Deceased.

Deputy Personnel:

None.

PHYSICAL EVIDENCE

One expended 9MM caliber casing, two .45 caliber casings, and a Jimenez Arms JA9, 9MM, Semi-auto were found at the scene.

IAB NOTE: For a complete listing of physical evidence collected at the scene, see **Exhibit A, pages 40-41.**

DISTANCE

Fifteen to twenty feet.

INVESTIGATOR OBSERVATIONS

On August 20, 2011 the Internal Affairs Bureau's Force and Shooting Response Team responded to the Unincorporated area of East Los Angeles regarding a deputy involved hit shooting. The team consisted of Lieutenant Stefanie Fredericks, Sergeants Scott Graham and John Rossi. Attorney Angelica Arias of the Office of Independent Review also responded.

> **IAB NOTE**: IAB Lieutenant Stefanie Fredericks checked to see that the watch commander, Sergeant Rothe took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Stefanie Fredericks checked to see if the watch commander attempted to have the involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

Upon their arrival they learned that there was an active command post and containment of the crime scene area. Investigators learned of the series of events which occurred, culminated into a deputy involved, hit shooting involving Deputies [redacted] and [redacted] The personnel involved in the incident were uniformed patrol deputies.

The criminal investigation was handled by Homicide Bureau Detectives Luis Nunez, and Richard Tomlin. Detectives Richard Ramirez and Marcelo Quintero entered the crime scene with Sheriff's Crime Lab Personnel. They documented their actions and findings on Supplemental Reports. See **Exhibit A, page 40.**

> **IAB NOTE:** Photographs of the scene are included in this case book. **See Exhibit D.** A sketch of the scene is also included, **See Exhibit D.**

REVIEW OF RADIO TRANSMISSIONS

Internal Affairs Investigator Scott Graham reviewed the radio broadcast during the incident. On the recording at (2031:09 Hours), 20J3 advises of "998." At (2031:17 Hours), 20J3 advises their location. At (2031:43 Hours), 20J3 updates their exact location. At (2032:01 Hours), 20J3 advises their status as "All deputies are accounted for, we're going to be detaining two. We're going to be facing south. Have all our units come in from Triggs or Olympic, Downey." At (2032:43 Hours), an unidentified unit advises he is 10-97. At (2033:08 Hours), a unit requests for 902R. SCC advises they are staging.

> **IAB NOTE:** Recording of Dispatch Three emergency radio traffic is included in this case book. See **Exhibit E**.

LIGHTING AND WEATHER CONDITIONS

It was dark out with street lights on when the incident occurred (2030 hours).

WEAPONS USED BY DEPUTY PERSONNEL

[redacted]

Service Weapon Type:	Heckler & Koch USP, 45 Caliber Semi-Automatic
Rounds Fired:	Two
Type of Ammunition Used:	Department Issued (Win) RA4ST 230 gr.
Date Employee Last Qualified:	[redacted]

[redacted]

Service Weapon Type:	Beretta 92 FS, 9 millimeter Semi-Automatic
Rounds Fired:	One
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

IAB NOTE: An examination of Deputy [redacted] firearm by Homicide detectives indicated he had shot a total of one round. One expended, 9 MM casing was recovered at the scene. An examination of Deputy [redacted] firearm by Homicide detectives indicated he had shot a total of two rounds. **See Exhibit A, page 49.** Both firearms were tested by Sheriff's firearms examiners and found to be functional. **See Exhibit A, pages 69-70.**

WEAPONS USED BY SUSPECT

Jimenez Arms JA9, 9MM, Semi-auto. Upon examination by Firearms Examiner Robert Keil #[redacted] the magazine contained 12 live 9MM bullets. **See Exhibit A, page 64.**

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Homicide Bureau - Sergeant Luis Nunez and Detective Richard Tomlin. No charges were filed.

INVOLVED EMPLOYEE STATEMENTS

Involved Deputy [redacted] was interviewed by Homicide Detectives Luis Nunez, and Richard Tomlin at East Los Angeles Station on August 20, 2011 at 0115 hours. The interview was audio-recorded.

Deputy [redacted] said he was working Unit 20J3 with his partner Deputy [redacted] from [redacted] to [redacted] Deputy [redacted] was the driver of a marked Sheriff's patrol car. He was dressed in a polo shirt, with Sheriff's insignia's, black pants and Sam Browne web gear. He said as he was driving south on Downey Road he saw two males walking north on the east sidewalk. At one point, the men appeared to be trying to hide behind a parked car. [redacted] stopped their car and attempted to contact the males. As soon as he exited the driver side, he saw the suspect come from behind the parked vehicle with his hands in his waistband. [redacted] told the suspect, "Let me see your hand," however the suspect turned quickly and entered into a nearby driveway.

Deputy [redacted] said the suspect retrieved a handgun from his waistband and pointed it towards him. Deputy [redacted] said he instinctively ducked as he thought he was going to be shot. He yelled to Deputy [redacted] who was behind him, "Gun!" Deputy [redacted] immediately fired one round from his handgun. He said Deputy [redacted] also fired one shot. Deputy [redacted] said he had just passed the threshold of the gate, and the suspect was approximately 10 feet east of him at the time of the shooting.

The suspect fell to the ground but immediately tried to get up. Deputy [redacted] said both he and Deputy [redacted] were yelling "Don't get up, don't move!", however, the suspect with his gun still in his hand, tried to get up. Deputy [redacted] then fired once more at the suspect.

Meanwhile, Deputy [redacted] requested help via his handheld radio. He told the second individual (Witness [redacted] who was still standing on the sidewalk to lay on the ground. Witness [redacted] complied.

Deputy [redacted] told Deputy [redacted] he was going to approach the suspect and kick the gun away from him. Deputy [redacted] said other Sheriff's units arrived shortly after. Paramedics were called and the suspect was subsequently transported to a local hospital. Deputy [redacted] said he did not know the suspect previous to this encounter.

Deputy [redacted] unloaded his department issued 9 mm handgun in the presence of the Homicide investigators. They saw that it had one bullet in the chamber and 14 in the magazine. They took custody of his weapon and subsequently submitted it to the Sheriff's Crime Lab personnel for testing.

For Deputy [redacted] complete statements, refer to his verbatim interview transcripts.

IAB NOTE: Firearms examiners found the weapon to be fully functional. The firearms report is included in this case book. **See Exhibit A page 69.**

INTERNAL AFFAIRS INTERVIEW OF DEPUTY [redacted]

Deputy [redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Carlos Flores on April 11, 2012 at 1131 hours. The interview was audio recorded.

Deputy [redacted] answered questions relative to tactics.

Deputy [redacted] said that as they were driving south bound on Downey road, he saw two males, (Later identified as Suspect Garcia, and Witness [redacted] walking northbound, on the east sidewalk. They were between a tree, and a truck parked on the street. As the deputies drove closer, Deputy [redacted] said it appeared as if they were breaking into the truck. He turned on his vehicle's spot light and shined it on them. When he did, they ducked. Deputy [redacted] stopped their car in order to contact the two males and determine if a crime was, or had taken place. As he got out of his car, the two males came out from behind the truck. Deputy [redacted] said that Suspect Garcia was reaching into his waistband. He told the suspects, "Let me see your hands!" Deputy [redacted] took a position of cover in front of the truck and ordered the suspect several times to show his hands. The suspect turned to his right, and Deputy [redacted] said, "It looked like he was turning to get away."

The suspect began walking north at a rapid pace. Deputy [redacted] continued to tell the suspect to show his hands. As the suspect approached the driveway of Downey Road, he turned to his left and pointed a handgun at Deputy [redacted] Deputy [redacted] yelled "Gun," and ducked because the suspect had the gun pointed right at him. Fearing for his life, and his partners life, he fired one round at the suspect.

Deputy [redacted] said his partner, Deputy [redacted] had come around behind him, and fired a round almost simultaneously. The suspect tripped over a metal gate track in the driveway, stumbled, and fell inside the yard. The suspect still had the gun in his right hand. Deputy [redacted] said the suspect was crawling, trying to get away.

Deputy [redacted] saw that Deputy [redacted] was covering the suspect. He now ordered the second suspect (Witness [redacted] to get down. He said the witness immediately complied. Deputy [redacted] got on the radio and initiated the emergent radio traffic.

Deputy [redacted] said that while putting out radio traffic, he kept pacing back and forth. He did this while covering the witness, and to be able to assist Deputy [redacted] He could see the suspect trying to get up, and saw he still had the gun in his right hand.

While Deputy [redacted] was at the opening of the gate in the driveway, he heard Deputy [redacted] state, "Drop the gun, drop the gun!" He heard Deputy [redacted] fire again. He told Witness [redacted] to stay down. He heard Deputy [redacted] say he was going to "kick the gun." Deputy [redacted] said that the Suspect Garcia still had the gun in his right hand. He saw Deputy [redacted] kick the gun out of the suspect's hand. He continued to cover the witness who was laying on the sidewalk until assisting units arrived. Both the suspect, and the witness were secured. The suspect was treated by paramedics, then transported to the hospital.

Deputy [redacted] was asked why he positioned his car where he did when he contacted the suspects. He said he had seen the suspects about three houses north of where they were, next to the parked truck. As soon as they couched down, he turned in toward them, thinking that they were going to run south away from him. The suspects did not run, so Deputy [redacted] jumped out the radio car right there, to make contact. He stated that, "It was an immediate reaction."

He indicated that he used the truck as cover/concealment when he approached the suspects. When Suspect Garcia began walking north on the sidewalk, Deputy [redacted] said he anticipated the suspect to run. Not knowing the suspect was armed, he moved from his position to try and cut him off. When the suspect suddenly stopped, turned, and pointed the gun at him, Deputy [redacted] said he did not feel he had any other option, other than to shoot. When asked why he shot, he stated, *"I mean, I was afraid I was going to get killed. I thought if not me, then my partner behind me, we were both going to get killed."* **(IAB interview page 16)**

IAB NOTE: During his interview, Deputy [redacted] was shown several photographs of the scene. Deputy [redacted] was asked to mark his, and the suspect's position, when the incident occurred. See **Miscellaneous Documents**.

For Deputy [redacted] complete statements, refer to his verbatim interview transcripts.

Involved Deputy [redacted] was interviewed by Homicide Detectives Luis Nunez and Richard Tomlin at East Los Angeles Station on August 20, 2011 at 0055 hours. The interview was audio-recorded.

Deputy [redacted] said they were driving southbound on Downey Road from Triggs Avenue, on regular routine patrol and in a marked radio car (black and white police vehicle).

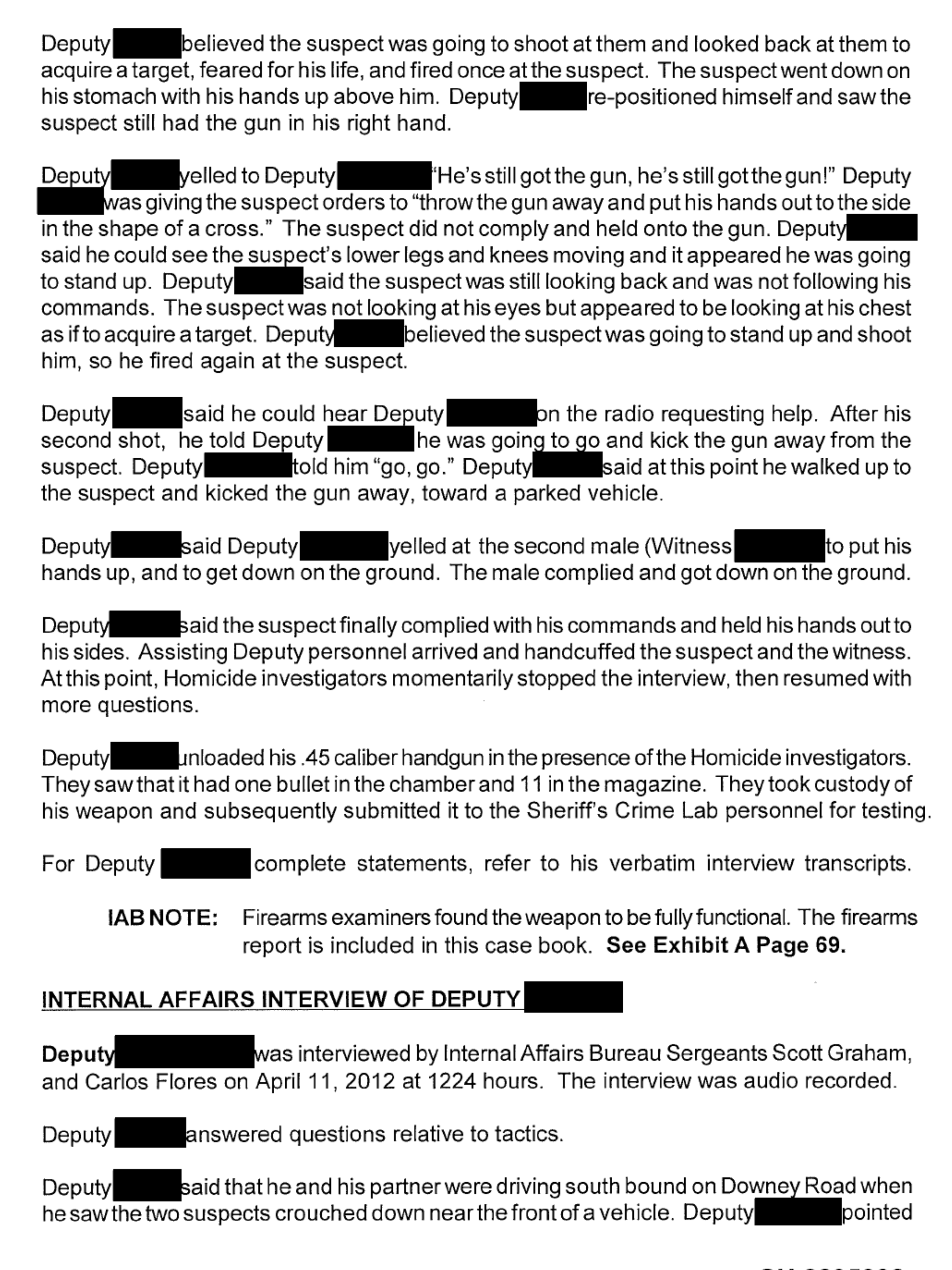
As they were approaching Noakes Avenue, they saw two males who were walking north on the east curb of Downey Road. Deputy [redacted] noticed the males appeared to crouch next to a vehicle which was parked in front of [redacted] S. Downey Road.

Deputy [redacted] shined his patrol vehicle's spot light on the parked vehicle and Deputy [redacted] noticed one of the males (Suspect Pablo Garcia) walking ahead of the other male.

Deputy [redacted] immediately jumped out of the patrol car and noticed the suspect appeared like he was going to run. Deputy [redacted] based his opinion on his experience, and the look the suspect had on his face. He recalled Deputy [redacted] gave the suspect some kind of commands to stop, but that he did not know exactly what he was saying.

Deputy [redacted] believing the suspect would run, "button hooked" around the back side of their patrol vehicle and walked toward the sidewalk. At this time, Deputy [redacted] called out, "gun, gun." Deputy [redacted] said he took that to mean the suspect was holding a gun. The suspect then walked inside the driveway of the location facing away from Deputies [redacted] and [redacted]

Deputy [redacted] said that when Deputy [redacted] said "gun" the suspect entered the driveway about five feet and turned right . Simultaneously the suspect turned looking back at them, holding a gun in his right hand. Deputy [redacted] said Deputy [redacted] fired once from his handgun.



Deputy [redacted] believed the suspect was going to shoot at them and looked back at them to acquire a target, feared for his life, and fired once at the suspect. The suspect went down on his stomach with his hands up above him. Deputy [redacted] re-positioned himself and saw the suspect still had the gun in his right hand.

Deputy [redacted] yelled to Deputy [redacted] "He's still got the gun, he's still got the gun!" Deputy [redacted] was giving the suspect orders to "throw the gun away and put his hands out to the side in the shape of a cross." The suspect did not comply and held onto the gun. Deputy [redacted] said he could see the suspect's lower legs and knees moving and it appeared he was going to stand up. Deputy [redacted] said the suspect was still looking back and was not following his commands. The suspect was not looking at his eyes but appeared to be looking at his chest as if to acquire a target. Deputy [redacted] believed the suspect was going to stand up and shoot him, so he fired again at the suspect.

Deputy [redacted] said he could hear Deputy [redacted] on the radio requesting help. After his second shot, he told Deputy [redacted] he was going to go and kick the gun away from the suspect. Deputy [redacted] told him "go, go." Deputy [redacted] said at this point he walked up to the suspect and kicked the gun away, toward a parked vehicle.

Deputy [redacted] said Deputy [redacted] yelled at the second male (Witness [redacted] to put his hands up, and to get down on the ground. The male complied and got down on the ground.

Deputy [redacted] said the suspect finally complied with his commands and held his hands out to his sides. Assisting Deputy personnel arrived and handcuffed the suspect and the witness. At this point, Homicide investigators momentarily stopped the interview, then resumed with more questions.

Deputy [redacted] unloaded his .45 caliber handgun in the presence of the Homicide investigators. They saw that it had one bullet in the chamber and 11 in the magazine. They took custody of his weapon and subsequently submitted it to the Sheriff's Crime Lab personnel for testing.

For Deputy [redacted] complete statements, refer to his verbatim interview transcripts.

> **IAB NOTE:** Firearms examiners found the weapon to be fully functional. The firearms report is included in this case book. **See Exhibit A Page 69.**

INTERNAL AFFAIRS INTERVIEW OF DEPUTY [redacted]

Deputy [redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Carlos Flores on April 11, 2012 at 1224 hours. The interview was audio recorded.

Deputy [redacted] answered questions relative to tactics.

Deputy [redacted] said that he and his partner were driving south bound on Downey Road when he saw the two suspects crouched down near the front of a vehicle. Deputy [redacted] pointed

his spotlight at them. Deputy [redacted] said he thought the suspects were breaking into the vehicle. He said the first suspect (Suspect Garcia), had an expression on his face that from past patrol experiences he has experienced, looked like the suspect was going to run. He stated, "He looked like he was getting ready to run, just the expression on his face, the way he was looking at us and the way he got up from his crouching position."

Deputy [redacted] got out of the radio car. While doing so, he said he saw that Suspect Garcia had a gun. He went around the back of the radio car. He said he took this route because the radio car was "a little bit too close to the truck." Had he gone around the front of the radio car, he would have been about five feet away from them. Thinking that Suspect Garcia was going to run, his intention was to stop at the rear of the radio car to get a better visual of them.

Suspect Garcia did not run, he started walking toward the driveway at [redacted] Downey Road. Deputy [redacted] said that he now knew that the suspect was not going northbound, he walked over where Deputy [redacted] was at. Deputy [redacted] was calling out, "gun!' He moved to a position of cover next to a parked vehicle to assist Deputy [redacted] He heard a shot, and saw the suspect had a gun in his right hand. The gun was pointed at him, and Deputy [redacted] Deputy [redacted] fired one round from his gun.

The suspect fell down in the dirt next to the driveway just inside the property. Deputy [redacted] said that the threat was not over, as Suspect Garcia still had the gun in his right hand. The Suspect was laying on his stomach and his right hand was outstretched just above his head.

Deputy [redacted] continued to give orders for the suspect to "throw the gun away." The suspect still had the gun in his hand. It appeared that he was trying to get up. Deputy [redacted] fearing the suspect was trying to gain a shooting stance, fired once more at the suspect. The suspect went back down onto his stomach. Deputy [redacted] yelled for him to "throw the gun away, throw the gun away!"

Deputy [redacted] said he saw the gun was now about two feet from the suspect's right hand. He went and kicked the gun away from the suspect so the suspect could not get the gun. He covered the suspect until assisting units arrived. The suspect was handcuffed. Once he was secured, Paramedics came and rendered aid to the suspect.

> **IAB NOTE:** During his interview, Deputy [redacted] was shown several photographs of the scene. Deputy [redacted] was asked to mark his, and the suspect's position, when the incident occurred. See **Miscellaneous Documents**.

For Deputy [redacted] complete statements, refer to his verbatim interview transcripts.

EMPLOYEE WITNESSES

None

CIVILIAN WITNESSES

Civilian Witness [redacted] was interviewed by Homicide investigators Sergeant Nunez, and Detective Tomlin on 08/21/11, at 0010 hours. The interview was conducted at East Los Angeles Sheriff's Station. Prior to the interview, Witness [redacted] was advised of his Miranda rights. Witness [redacted] said he understood his rights and waived them agreeing to speak to the investigators. The interview was audio-recorded.

IAB NOTE: This summary was taken from the original supplemental report written by Detective Tomlin. **See Exhibit A, page 46.**

Witness [redacted] said earlier that evening he was at his [redacted] house located at [redacted] He was there for approximately 90 minutes when his friend "Pablo" (S/Garcia) arrived. [redacted] said he knows Pablo as they are both King Cobra gang members. [redacted] said his nickname is [redacted] and Pablo's is "Woolfie". [redacted] said approximately 30 minutes later, the two left [redacted] house to go to a birthday party near Eastman Elementary school. They were walking north on Downey Rd., on the east side of the street when [redacted] saw a car traveling south towards them. Garcia was walking 2 to 3 feet in front of [redacted] As it came closer, he realized it was a police car as he saw the lights on top of the roof. The car turned towards them and stopped.

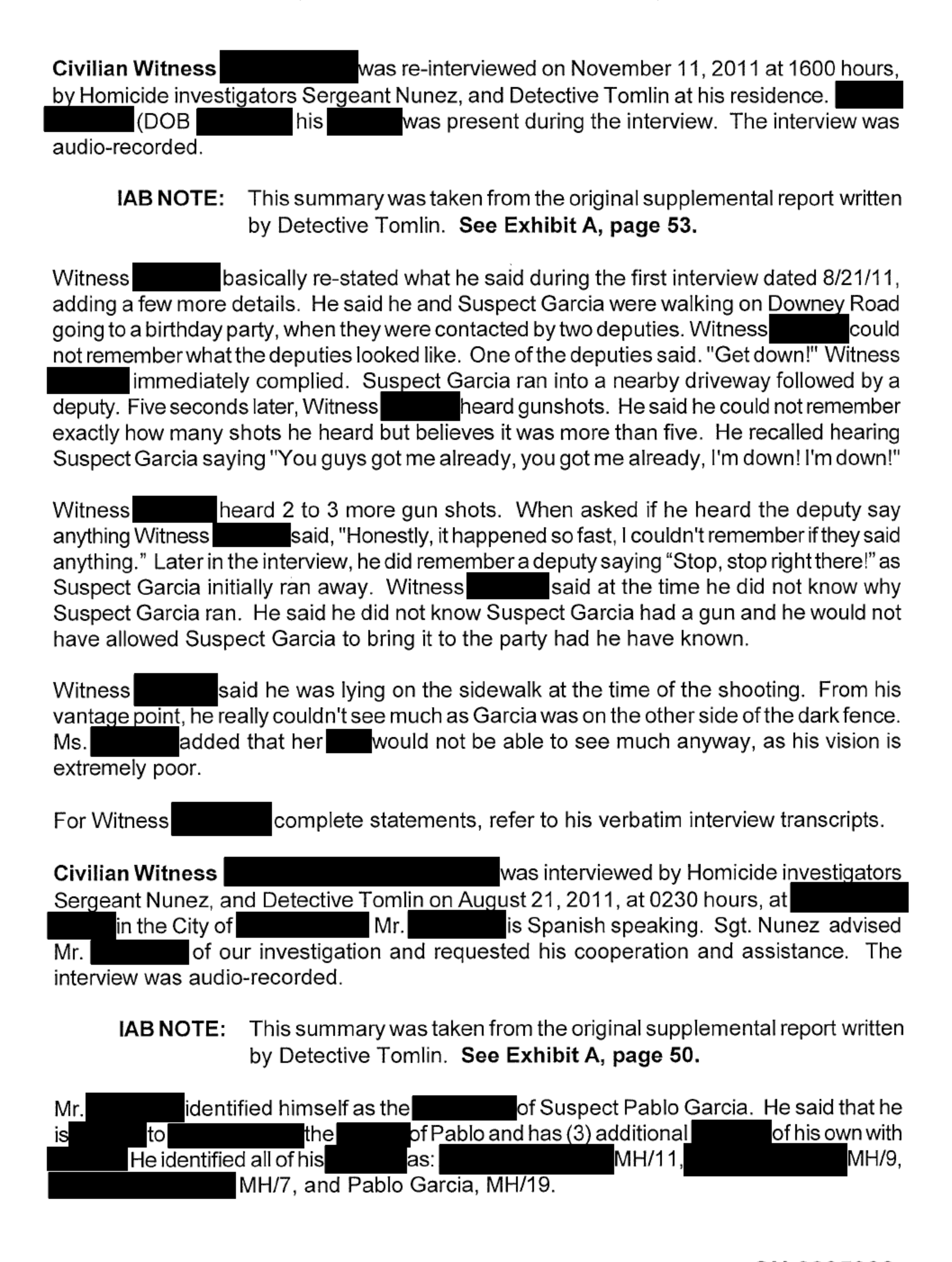
[redacted] said two deputies exited the car "real quick" with one of the deputies saying "Stay right there, stay right there!" [redacted] said he thought the deputies were going to pat them down, talk to them, and then let them go, so he was surprised when Garcia suddenly ran into the driveway of the house they were standing in front of. Witness [redacted] said he did not know the people that lived at the house whose yard Garcia entered.

Witness [redacted] stayed on the sidewalk and followed the deputies commands. The deputies immediately went after Garcia. Witness [redacted] said he could not see clearly into the yard from where he was standing on the sidewalk, but he heard two gunshots followed by the deputies saying "stay down, stay down!"

Witness [redacted] said although obstructed by the fence, he could partially see the suspect lying on the ground. About four seconds later he heard an additional shot. The deputies then turned their attention toward him and told him to get to the ground. He complied with their commands. He said additional deputies and paramedics arrived shortly after and he was transported to E.L.A. station.

Witness [redacted] insisted he did not know Garcia was carrying a gun that evening until the deputies told him. He said he now understood why Garcia attempted to avoid the deputies. He added that "a while back" he was told by friends that Garcia was carrying a gun. The interview was concluded. Witness [redacted] was subsequently released to his mother at the station.

For Witness [redacted] complete statements, refer to his verbatim interview transcripts.



Civilian Witness [redacted] was re-interviewed on November 11, 2011 at 1600 hours, by Homicide investigators Sergeant Nunez, and Detective Tomlin at his residence. [redacted] (DOB [redacted] his [redacted] was present during the interview. The interview was audio-recorded.

> **IAB NOTE:** This summary was taken from the original supplemental report written by Detective Tomlin. **See Exhibit A, page 53.**

Witness [redacted] basically re-stated what he said during the first interview dated 8/21/11, adding a few more details. He said he and Suspect Garcia were walking on Downey Road going to a birthday party, when they were contacted by two deputies. Witness [redacted] could not remember what the deputies looked like. One of the deputies said. "Get down!" Witness [redacted] immediately complied. Suspect Garcia ran into a nearby driveway followed by a deputy. Five seconds later, Witness [redacted] heard gunshots. He said he could not remember exactly how many shots he heard but believes it was more than five. He recalled hearing Suspect Garcia saying "You guys got me already, you got me already, I'm down! I'm down!"

Witness [redacted] heard 2 to 3 more gun shots. When asked if he heard the deputy say anything Witness [redacted] said, "Honestly, it happened so fast, I couldn't remember if they said anything." Later in the interview, he did remember a deputy saying "Stop, stop right there!" as Suspect Garcia initially ran away. Witness [redacted] said at the time he did not know why Suspect Garcia ran. He said he did not know Suspect Garcia had a gun and he would not have allowed Suspect Garcia to bring it to the party had he have known.

Witness [redacted] said he was lying on the sidewalk at the time of the shooting. From his vantage point, he really couldn't see much as Garcia was on the other side of the dark fence. Ms. [redacted] added that her [redacted] would not be able to see much anyway, as his vision is extremely poor.

For Witness [redacted] complete statements, refer to his verbatim interview transcripts.

Civilian Witness [redacted] was interviewed by Homicide investigators Sergeant Nunez, and Detective Tomlin on August 21, 2011, at 0230 hours, at [redacted] in the City of [redacted] Mr. [redacted] is Spanish speaking. Sgt. Nunez advised Mr. [redacted] of our investigation and requested his cooperation and assistance. The interview was audio-recorded.

> **IAB NOTE:** This summary was taken from the original supplemental report written by Detective Tomlin. **See Exhibit A, page 50.**

Mr. [redacted] identified himself as the [redacted] of Suspect Pablo Garcia. He said that he is [redacted] to [redacted] the [redacted] of Pablo and has (3) additional [redacted] of his own with [redacted] He identified all of his [redacted] as: [redacted] MH/11, [redacted] MH/9, [redacted] MH/7, and Pablo Garcia, MH/19.

Mr. [redacted] said they have resided at the current location for approximately two years. Prior to that they lived at [redacted] for five years. Mr. [redacted] said the suspect did not work and "just hung around on the streets."

Mr. [redacted] said there were no guns inside the house and directed Sheriff's personnel to the room belonging to the suspect. Mr. [redacted] remained outside of his house while Deputy personnel conducted a search of Pablo Garcia's room pursuant to a lawful search warrant. (Refer to the search warrant operation conducted by the ELA Sheriff's Station OSS team). Nothing of evidentiary value was recovered during the search.

Mr. [redacted] was asked if he was aware of the incident involving Pablo Garcia. He said he was aware that Pablo had been shot and was in the hospital. He was not aware that Pablo had initiated an armed confrontation with Sheriff's Deputy personnel. He said that [redacted] Pablo's [redacted] who resides at [redacted] in [redacted] called notifying them that Pablo had been shot.

He said his [redacted] along with their [redacted] and Pablo's [redacted] FH/19, drove to the hospital to check on the welfare of Pablo. Sgt. Nunez told Mr. [redacted] that Pablo had been critically injured and may not survive.

For Witness [redacted] complete statements, refer to his verbatim interview transcripts.

Civilian Witness [redacted] was interviewed by Homicide investigators Sergeant Nunez, and Detective Tomlin, at her residence located at [redacted] Ms. [redacted] only speaks Spanish and the interview was conducted by Sgt. Nunez. The interview was audio-recorded.

> **IAB NOTE:** This summary was taken from the original supplemental report written by Sergeant Nunez. **See Exhibit A, page 52.**

Ms. [redacted] said she lives alone and was not home at the time of the shooting. She was visiting a [redacted] and did not return home until two days after. However, her other [redacted] named [redacted] was apparently there at the time.

Ms. [redacted] explained that [redacted] had moved out of her residence in the past year but still had a key to the house. Ms. [redacted] said [redacted] "comes and goes" and she did not know where her [redacted] was currently living.

Ms. [redacted] said when she spoke to [redacted] two days after the shooting, [redacted] mentioned there was a shooting next door. However, she did not tell Ms. [redacted] she saw anything.

For Witness [redacted] complete statements, refer to her verbatim interview transcripts.

Civilian Witness [redacted] was interviewed by Homicide investigators Sergeant Nunez and Detective Tomlin. Also present were District Attorney Investigators [redacted] and [redacted] The interview was conducted at the Sheriff's Homicide Bureau Office. Witness [redacted] agreed to come to the office to be interviewed. The interview was audio-recorded.

IAB NOTE: This summary was taken from the original supplemental report written by Sergeant Nunez. **See Exhibit A, page 53.**

On the night of the shooting, [redacted] said she was at her [redacted] residence with her friend [redacted] They were preparing to go out for the evening when she heard one of her two dogs barking. [redacted] walked through her kitchen to go outside the back door of the residence to see what was happening. As she was walking outside, she heard two gunshots. When she reached the stairs, she heard someone yelling "Don't move... don't fucking move...don't say anything....don't..., give me a reason!"

She heard another voice saying "I'm not moving officer... I'm hurt...I'm bleeding... I need help... it hurts... I'm not moving sir!" [redacted] said as she was standing outside on the northwest corner of her house, she saw a bright light silhouetting two people. One person was standing over the other person who was on the ground. The person on the ground was lying on his stomach with his head facing towards the gate of the front yard.

She could not clearly see each individual, but based on the verbal exchange, she believed the person standing was a police officer. He was standing in the driveway about 3 feet away from him. She heard the officer say "Don't move, don't fucking move; show me your hands!" The person on the ground said "It hurts officer, I"m bleeding!" Approximately one minute later she heard another gunshot. [redacted] said she did not actually see the shot. The officer looked at her and told her to go back inside her home. [redacted] said she would not be able to identify the officer.

[redacted] said she turned to go back in the house. Her [redacted] was standing behind her. They went inside and [redacted] asked what happened. [redacted] told her, "They shot somebody." [redacted] said she tried looking out her living room window to see what was going on but deputies were all around and she could not see anything else.

[redacted] was specifically asked about her statement regarding the deputy telling the suspect to show his hands. She said she didn't remember saying that. [redacted] was asked if any deputy spoke to her that evening. She said a deputy contacted her and asked what she heard. She told him she heard three gunshots. We asked [redacted] if she told the deputy what she saw. She said "no" because he only asked her what she heard.

[redacted] later explained that a deputy knocked on the front door. [redacted] answered. [redacted] walked up and asked what he wanted. [redacted] told her the deputy wanted to know if she heard anything. She told the deputy "I heard three shots." He asked her if that was all she heard.

She said "Yes, I heard three shots." The deputy wrote down her name, and [redacted] name and date of birth then left.

[redacted] said she later found out the name of the person that was shot. She recognized the name, and said she attended [redacted] with Suspect Garcia. She had not seen him since.

To date, Homicide investigators have not been able to contact [redacted]

For Witness [redacted] complete statements, refer to her verbatim interview transcripts.

IAB NOTE: Witness Meza was contacted on the night of the incident by Deputy R. Gutierrez #[redacted] at [redacted] Witness [redacted] told Deputy Gutierrez that she was in her bathroom and heard "two quick shots, then one single shot." She did not see anything regarding the incident. **See exhibit A, page 27.**

IAB NOTE: Karen [redacted] was also contacted at the same time. She did not see the incident, only heard the gun shots. **See exhibit A, page 27.**

SUSPECT'S STATEMENTS

Suspect Garcia was deceased, and not able to be interviewed